

## **II. Remarks**

Entry of the above amendments and reconsideration and withdrawal of the rejection of claims 12-15, 17-21 and 53 is respectfully requested.

### **A. Status of the claims**

Claims 12-15, 17-21 and 53 are pending. Claim 21 has been amended to correct a typographical error. Applicants respectfully submit that no new matter has been added by virtue of these amendments.

### **B. Rejection under 35 U.S.C. § 112, second paragraph**

In the office action, the Examiner rejected claims 1-15, 17-21 and 53 as being indefinite. The Examiner stated with regard to claim 12 that "it is unclear whether the first and second carriers are part of the claimed invention."

In response, Applicants respectfully submit that claims 1-11 were previously cancelled and should not have been the subject of any claim objection/rejection. Applicants will address the Examiner's rejection in view of claims 12-15, 17-21 and 53, which are currently pending.

The present invention is directed to a device for dispensing individual doses of powder from respective pockets of a pair of disc-shaped carriers. Independent claim 12 specifically recites "...a first disc shaped carrier and... a second disc shaped carrier..." Accordingly, a first disc-shaped carrier and second disc-shaped carrier are elements of the presently claimed invention.

In view of the above, Applicants respectfully submit that independent claim 12 and the claims that depend there from are not indefinite. Therefore, Applicants respectfully request that the Examiner's § 112, second paragraph rejection be removed.

**C. Rejection under 35 U.S.C. § 103(a)**

In the office action, the Examiner rejected claims 12-15, 17-21 and 53 under 35 U.S.C. § 103(a) as being unpatentable over Bonney et al. (US 2007/0062525) in view of Ede et al. (US Patent No. 7,401,713). The Examiner admitted that the Bonney reference “does not disclose that the dispensing mechanism comprising an arrangement for axially moving individually each pocket from a respective storage position to a respective discharge position.” The Examiner, relying on the Ede reference in an attempt to cure the deficiency of the Bonney reference, stated that “Ede teaches a dispensing mechanism with means for axially moving a pocket from a storage position to a discharge position....” (Examiner citing: plunger 72 pushes the pocket axially to release medicament (Fig. 17, col. 10, ln. 17-21)).

In response, Applicants traverse this rejection. The Ede reference does not cure the deficiency of the Bonney reference as suggested by the Examiner. As mentioned above, the Examiner cited to Figure 17, column 10, lines 17-21 of the Ede reference for its teaching of a dispensing mechanism with a means for axially moving a pocket from a storage position to a discharge position. However, Applicants respectfully submit that the cited passage describes an example of an actuation mechanism for puncturing the face of a pack (“blister pack”) to push the member (“drug”) through the lidding sheet for dispensing and not a means for axially moving a pocket from a storage position to a discharge position. (See: Col. 10, lines 17-21, “*The actuation mechanism includes a bursting component **72** adjacent the lower or second face of the pack. The bursting component **72** may be moved in the direction of the face, i.e., upwardly as illustrated, so as to push the member **16** of the pack through the lidding sheet in a manner described above.*”).

Furthermore, column 10, further goes on to describe that “the embodiment illustrated in Figure 17 may be used with individual blisters or with elongate strips....” There is no mention whatsoever that this embodiment can be used with a device that utilizes “disc-shaped carriers” as in the present invention. Accordingly, the Ede reference does not cure the deficiencies of the Bonney reference. Therefore, independent claim 12 and the claims that depend there from are not obvious over the Bonney reference in view of the Ede reference.

In view of these arguments, Applicants respectfully request that the Examiner’s 35 U.S.C. § 103(a) rejection of claims 12-15, 17-21 and 53 be removed.

In view of the foregoing amendment and remarks Applicants believe the application is in condition for allowance. An early and favorable response is respectfully solicited.

Respectfully submitted,

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